

**UNITED STATES DISTRICT COURT**

**for**

**EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Docket No. 3:92-CR-35-4H**

**United States Of America** )  
                                  )  
                                  )  
vs.                            )  
                                  )  
**Mark Anthony Whitaker** )  
                                  )

**ORDER WITHDRAWING  
MOTION FOR REVOCATION AND  
WARRANT FOR ARREST**

COMES NOW John Seth Coleman, probation officer of the court, who shows the court that Mark Anthony Whitaker appeared before the Honorable Malcolm J. Howard, Senior U.S. District Judge in the Eastern District of North Carolina, and upon an earlier plea of guilty to Conspiracy to Possess with Intent to Distribute Cocaine and Distribution of Cocaine, in violation of 21 U.S.C. § 846, Use of a Firearm During and in Relation to a Drug Trafficking Offense, and Aiding and Abetting, in violation of 18 U.S.C. § 924(c)(1) and § 2, Possession with Intent to Distribute and Distribution of Cocaine, and Aiding and Abetting, in violation of 21 U.S.C. § 841(a)(1) and § 2, Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1), was sentenced to the custody of the Bureau of Prisons for a term of 300 months. Additionally, it was ordered by the court that the defendant be placed on supervised release for 120 months upon release from imprisonment. The defendant was released from custody and the term of supervised release commenced on July 30, 2015.

A Motion for Revocation and Warrant for Arrest were filed on April 26, 2018, alleging the defendant had violated the conditions of his supervised release by committing the offenses of Manufacture Schedule II Controlled Substance, Maintain Vehicle/Dwelling/Place for a Controlled Substance, and Possession of Drug Paraphernalia, and Possession with Intent to Sell and Deliver Heroin, Manufacture Schedule I Controlled Substance, and Possession with Intent to Sell and Deliver Cocaine in Cumberland County, NC. On August 1, 2018, after the charging officer failed to produce the investigative file to their office, the Cumberland County District Attorney's Office voluntarily dismissed all of those charges.

The defendant appeared before the Honorable Robert T. Numbers, II, U.S. Magistrate Judge, on August 10, 2018, at which time Judge Numbers ruled that the Government had not established probable cause in the case, and ordered that the defendant be released from custody. It now appears that the ends of justice would best be served by withdrawing the Motion for Revocation and Warrant for Arrest before the Court. If the state should re-file the charges and a conviction occurs, the probation officer will inform the court immediately. At this time, it is recommended that supervision be continued.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Motion for Revocation and Warrant for Arrest filed on April 26, 2018, be withdrawn, and the term of supervised release continued.

Reviewed and approved,

/s/Eddie J. Smith

Eddie J. Smith

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/John Seth Coleman

John Seth Coleman

U.S. Probation Officer

15 Rowan Street, Suite 110

Fayetteville, NC 28301-5730

Phone: (910) 483-8613

Executed On: August 17, 2018

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**ORDER OF COURT**

Considered and ordered this 23rd day of August, 2018, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard  
Senior U.S. District Judge